

SALT LAKE DAILY HERALD.

VOL XVIII. NO. 138

SALT LAKE CITY, UTAH, FRIDAY NOVEMBER 18, 1887

PRICE FIVE CENTS

BARR IS DISCHARGED.

The Adultery Case Terminated at Provo.

McGRATH GETS SEVEN YEARS.

Court Adjourns to Open the Term in Ogden—Personal and Other Points.

In the First District Court, at Provo, the Barr adultery case was continued after our report left Provo on Wednesday afternoon, with Mrs. Carver, the mother of the alleged accomplice, on the stand. She testified as follows:

My daughter went to live at Barr's last January; had worked there some time before that; and I felt after she got into trouble; she told me of her condition; she said she left because Mr. Barr accused her of having improper intimacy with Mr. Tilley.

To the Court—I was subpoenaed to appear before the grand jury; I did not ask the girl who the man was that had been with her; I told her to tell the truth; never noticed any intimacy between my girl and Mr. Barr.

John Sidwell—Am deputy sheriff at Nephi; have seen the defendant and John Tilley together sometime this fall, in October, I think; heard a conversation; Mr. Barr said, "You know I paid you for it, now I want my money back." This conversation was on the north side of Mr. Barr's store; I was walking towards the south, and Mr. Barr's back was towards me; his manner showed that he seemed rather cross; it was in the morning; I did not hear Mr. Tilley say anything; I was on my way to the jail to feed the prisoners; it was in the morning.

To defense—The exact words were, that Barr said: "You know I paid you for that, and if you won't do it I want my money back." I do not know whether this statement had anything to do with this case.

The evidence was moved by the defense to be stricken out, as irrelevant, and was withdrawn for the present, to come in later in the case.

Thomas Ingraham—Heard a conversation between Barr and Tilley; Barr said the father of the girl was after him, and he had better marry the girl; Tilley answered: "By G—, I'm not guilty, and will not marry the girl." Barr told him he had better leave, as the girl's father was after him.

I then went to the store and told Mr. Barr what had happened. Mr. Barr asked Tilley if he had seen Carver, and he replied that he had just gone by, going south.

To defense—Barr said to Tilley that Carver was after him; that he had just heard his girl was in a fix and accused him (Tilley) of it; Tilley then made the expression: "By G—, I'm not guilty this time." He did not say, "By G—, I'm not guilty this time and will not marry her." He said, "I'll give my last heart's blood to go to the penitentiary for life first, but if I was guilty I would marry the girl to-night."

I heard the defendant say at another time in the store, "That will stop the yarn about me."

Ike Sowder—Reside at Nephi; saw the defendant and Tilley last September, about the 24th, together, and heard a conversation when Mr. Ingraham was present; Mr. Barr said, "The best thing you can do is to marry the girl." Mr. Tilley said he wouldn't; said something about not being guilty; Barr said to Tilley, "Mr. Carver is looking for you about his girl, and you had better marry her." Mr. Tilley replied that he was not guilty, and would have his heart's blood split out first, or go to the pen for life, but would never marry her.

Tilley was with me in Idaho in June and July; we went to Montana the latter part of July; we were working on the U. P. both in Idaho and Montana, until we came home in September; we went no more in May.

The prosecution rested.

The defense opened by moving the Court that he instruct the jury to return a verdict of not guilty. The grounds are that no testimony has been given yet to connect this defendant with the adultery, there being no evidence against him, only that of Mary J. Carver, the alleged accomplice in the act, so that her testimony standing alone is not sufficient to convict him.

The prosecution maintained that there were some corroborating circumstances, and considerable argument ensued.

The Court held that he hardly felt like taking the case from the jury at the close of the prosecution's case, and the prisoner was put upon his defense.

The defense then stated that they would rest here.

The arguments followed, the prosecution selecting the 3d of October, to be sure and bring the time under the Edmunds law.

The defense submitted the case without argument, and the Court instructed the jury to return a verdict of not guilty. The jury were out about an hour and then returned at "logger-heads." The Court again instructed them to acquit defendant. One of the jurors replied that the judge must take the responsibility, and they then rendered a verdict of not guilty, and considerable argument ensued.

THURSDAY MORNING.

S. R. Thurman argued a motion for a new trial in the case of the United States vs. John Harris; unlawful cohabitation.

In the case of Maurice McGrath, larceny of the reporter's notes, the Court overruled the motion for a new trial.

In the case of Martha Lucas vs. David P. Lucas, divorce was granted. The case of the United States vs. Frederick Walt; the defendant entered a plea of not guilty to the charge of unlawful cohabitation.

The case of the United States vs. Elmer Taylor; unlawful cohabitation; the defendant was called for sentence; he was not present, and his bonds were

declared forfeited. W. C. A. Smoot and William D. Roberts, bondsmen, were called, but were not present. The Court said he would hear a motion at any time to reverse the order, upon the appearance of the defendant.

The Court overruled a motion for a new trial in the case of the United States vs. John Harris, unlawful cohabitation, and a certificate was made showing probable cause for appeal.

Maurice McGrath was called for sentence, and asked if he had anything to say. The defendant stated that nothing that he could say would now alter the case, but would place himself on record that he was innocent. He did not see how it could be possible for him to be on the train and in the Engineer's office at the same time; it would be a question for scientists and not lawyers to decide, "but there is a net woven around me from which I could not escape; the question before the jury was that they said from the beginning that if we acquit McGrath we convict Wain, and I do not feel it right to have an underground indictment run in on me."

The Court said: "Under the statutes of this Territory a person may be guilty of a crime and not be present, etc." It is probable that some one has been weaving a net around you to get you into this trouble, but you certainly, from the evidence, took a very active part in it. The crime was a very grievous one. It is within your power, and your duty to let it be known if others were implicated with you, otherwise you can expect no leniency. My advice is that you hereafter disclose the whole thing and it can be demonstrated what the truth is."

The defendant stated he had already been in confinement seven months. The jury had recommended him to mercy, and but for that the Court felt the full limit should be imposed. The defendant was then sentenced to seven years in the Pen.

William Wadley was called for sentence, changed his plea of not guilty and entered one of guilty of unlawful cohabitation. His counsel, Judge Dusenberry, stated that the defendant last married seventeen years ago, his youngest child was 7 years old; the defendant had lived within the law for the last two or three years and asked the mercy of the Court. The defendant intended to live within the law. The defendant stated that it was his intention to obey the law in the future, but would support and provide for his family. Prosecutor Evans also stated that he had inquired into his case, that the defendant was an honest, hard-working man, was aged, and under his promise justice would be served by a fine. The defendant was therefore sentenced to pay a fine of \$200, which he paid and went away a free man.

John Harris, unlawful cohabitation, was called for sentence, and made a statement in his own behalf. The first wife had been the means of getting him a second wife, to take care of him; was thirteen years ago. He was poor and old and broke the law through ignorance. The Court stated that these would be taken into consideration. Sentence was thirty days, and \$50. Defendant gave bond pending the appeal, and has his freedom. It is the principle involved, for appeal. Bonds \$500.

Gorman Ellsworth, a similar offense, six months and \$100.

Ferdinand Olerhanski, six months and \$100.

The defendants were all taken to the Penitentiary, except William Wadley, who paid his fine, and John Harris, who is on bail, pending appeal.

The court adjourned to day and went to the other end of the district to formally open the term in Ogden. Petition is signed by the members of the bar to have Judge Boreman continue the court here, as material civil interests are suffering for want of settlement.

PERSONAL.

OSCAR ROGERS is in town catering to the merchants in behalf of Spencer Clawson.

A. E. KOCH, of Kansas City, and P. B. McGRATH, of St. Louis are around Provo in business interests.

E. J. LOPEZ, of Pueblo, is looking around Provo with a view of establishing a cannery in the Garden City. The opening is a good one, as Utah Valley is one of the most noted fruit sections of the Territory.

JOHN ADAMS came down from Centerville yesterday.

JAMES NELSON was in from Big Cottonwood yesterday.

J. E. ROBINSON came down from Farmington yesterday.

FRANK BOYER, of Springville, spent yesterday in this city.

E. A. BECKSTRAND, of Meadow, was in the city on Thursday.

GEORGE BONNER, of Midway, was leading teams in Salt Lake on Thursday.

J. J. SKELLIE is back from the gravel auriferous regions in Montana. He speaks glowingly of the prospects of that country.

MON. F. S. RICHARDS and wife left for Washington last evening. Mr. Richards goes to Washington as one of the delegates chosen to present the State Constitution to Congress. It will be some time before he reaches the capital, as he has other business to attend to en route.

The Prince's Cancer.

LONDON, November 17.—Dispatches received here to-day from San Remo, say there has been a discharge of green matter from the Crown Prince's throat, which proved to be cancerous. In view of this fact, the case is considered much worse, as this kind of soft cancer is the most malignant type, and is regarded as incurable. The German doctors, the reports say, are trying to deny the serious, almost critical, development.

Entrée.

NEWARK, N. J., November 17.—Samuel P. Pennington, chairman of the special committee to select a successor to Dr. McCosh, as president of Princeton College, says the statement that Rev. E. I. Patton, of Montclair, has been selected, is untrue.

ABOUT OUR FINANCES.

The Annual Report of Treasurer Hyatt.

MOST, THE FIEND INCARNATE.

Kalakauna's Address—Wilson to be Prosecuted—A Sound of Alarm—The Cigar Makers—Etc.

Revenue and Expenditures.

WASHINGTON, November 17.—The annual report of Treasurer Hyatt shows that the revenues of the government for the fiscal year ended June 30th, 1887, were: \$371,432,770; and ordinary expenditures \$267,932,779; surplus receipts, available for the reduction of the public debt being \$103,491,997. As compared with the previous year the receipts are increased \$34,963,539, the expenditures \$25,449,041, and the surplus revenues \$9,514,509. There was an increase in every item of revenue, the largest being in the receipts from customs. The largest increase in expenditures was on account of Indian and pensions, and the largest decrease on account of interest on the public debt. The receipts of the Postoffice Department amount to \$33,752,357 and the expenditures to \$33,583,839.

The revenues, exclusive of deficiency appropriations had been increased \$3,500,495, and the expenditures \$2,912,149. The amount drawn from the Treasury to make good the deficiencies in the postal revenues was \$6,969,138, against \$6,714,422 in 1886. The statement of United States notes outstanding shows that, between June 30, 1886, and September 30, 1887, the circulation of one and two-dollar notes ran down from \$61,500,000 to \$15,400,000. The decrease has been made up by the changes in the other denominations, the volume of fives, tens and twenties increasing about \$43,900,000. The shipments of legal tenders and silver certificates of small denominations, together with the increase in the circulation of silver coins during the fifteen months ended September 30th, amounted to upwards of \$149,000,000, while, in addition, several million dollars in small gold coins have been drawn into circulation.

Under the provisions of the act of June 8, 1872, certificates of deposits amounting to \$34,300,000 were issued during the fiscal year for United States notes lodged in the Treasury. The redemptions in the same period were \$43,990,000. There remained outstanding June 30th, only \$9,620,000, which is the least amount shown at the end of any fiscal year since the issue began. There were no gold certificates issued during the year. The redemption amounted to \$9,487,428. Of the total of \$1,173,359,880 issued from November, 1885, there were outstanding at the close of the year \$121,486,817, of which \$30,291,350 were in the Treasury and \$91,195,467 in circulation. The holdings of the Treasury decreased nearly \$26,000,000 in the year. The amount outstanding October 31st was \$132,542,931, of which the Treasury held \$32,858,158. The silver certificates outstanding at the close of the fiscal year amounted to \$145,543,150, an increase of nearly \$3,000,000 in twelve months. The amount in the Treasury fell off in the same period, from nearly \$28,000,000 to \$3,425,153, while the increase in the fives, tens and twenties was \$14,000,000. This increase is due, in part, to the demand for small notes arising from the discontinuance of the issuance of legal tender ones and twos. The Treasurer believes that all the trade dollars have been redeemed.

The coinage of standard silver dollars for the fiscal year was \$833,216,831, an increase of \$3,377,926 over 1886. On October 31st, the Treasury held \$214,175,532. Between June 30, 1886, and October 31, 1887, the fractional silver coin in the Treasury decreased from \$35,904,681 to \$24,495,135, and the minor coin from \$377,818 to \$51,460. The one and five-cent pieces on hand are not more than sufficient for payment over the counters.

The Treasurer calls attention to the decrease in the redemption of fractional currency, and shows, in comparison with other paper issues, that a larger amount than has been estimated is probably lost or destroyed. The amount outstanding June 30th, shown by the books, was \$15,322,502, while the actual circulation was a little more than \$17,123. Between the end of the fiscal year and October 31st, the number of depositary banks was increased from 290 to 320. The receipts of public funds by the banks during the year were \$128,482,769, making an aggregate from the beginning of the system a little short of \$4,600,000,000. There was a decrease of \$84,063,100 during the year in the bonds held to secure the circulation of the national banks, leaving on deposit \$191,996,700, against which there was outstanding in National Bank notes \$166,625,550.

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Kalakauna's Address.

SAN FRANCISCO, November 17.—The steamer *Belgic*, which arrived from China and Japan to-day, touched at Honolulu and brings advices in regard to the opening of the Hawaiian Legislature.

King Kalakauna made a brief address in opening the session, in which he referred to needed reforms, and concluded as follows: "I take great pleasure in informing you that the treaty of reciprocity with the United States has been definitely extended for seven years, upon the same terms as those in the original treaty, with the addition of a clause granting to the Hawaiian vessels of the United States the exclusive privilege of entering the Pearl River Harbor, and establishing there a coaling and repair station. This has been done after mature deliberation and an interchange between my government and that of the United States of the interpretation of said clause, whereby it is agreed and understood that it does not cede any territory or part with or impair any right of sovereignty or jurisdiction on the part of the Hawaiian Kingdom, and that such privilege is conferred with the treaty. I regard this as one of the most important events of my reign, and I sincerely believe it will re-establish the commercial progress and prosperity which began with the reciprocity treaty."

Wilson to be Prosecuted.

PARIS, November 17.—In the Chamber of Deputies this afternoon, permission was asked by government to prosecute Wilson. The right thereupon withdrew their interpellation of government.

The committee of Deputies, to which it was referred, decided that Wilson should be prosecuted. The decision was telegraphed to Wilson, and he was informed that before proceedings were begun he should be given an opportunity to be heard. He replied that no statement would be made before the trial.

After brief debates on the report of the committee, a division was taken and the Chamber, by a vote of 527 to 3, approved the demand for the prosecution of Wilson.

The ministers, after a meeting at the Palais du Bourbon, to consider the situation, went in a body to the Elysee Palace and informed President Grevy of the decision of the Chambers. Mr. Mazan then placed his resignation in the hands of the President, and the latter entrusted Minister Fallieres temporarily with the duties of Minister of Justice.

A plenary meeting of the Republican group of the Senate and Chamber is summoned for to-morrow, to arrange the terms of an interpellation, with reference to President Grevy, which will be moved in the Chamber on Saturday.

A Sound of Alarm.

CHICAGO, November 17.—To-morrow, the *Alarm*, of which Parsons, the executed Anarchist, was editor, will be issued for the first time since the execution. The leading article, written by Dyer D. Lum, successor to Parsons, says: "The former editor of the *Alarm* has been strangled to death by the State. The seal of legal disapproval has been placed upon free speech. Henceforth, workmen and women must keep silent or only clamor for relief through the lines laid down for them. Relief may be asked, parties may be organized, but opposition to the source of injustice, by which relief becomes an ever necessary change, is frustrated and the parties handicapped, is henceforth throttled. Even the 'Marcellite' is forbidden to be sung at festivals. The law, the father of all crimes, the source of all injustice, the barrier to all voluntary co-operation, stands grim and red-handed over us. The duty of the hour is now to wage a battle for a free press."

One feature of the issue is a poem dedicated to Lucy E. Parsons, concluding: Freedom mourns, but weeps not long. While yet it writhes beneath the wrong; The battle was by them begun, And we must see the victory won.

The Cigar Makers.

NEW YORK, November 17.—At the cigar manufacturers' convention, to-day, it was resolved to appoint a committee to draw up and present to the President of the Senate and Speaker of the House a set of resolutions, asking Congress to appoint a committee to determine on legislation for the protection of manufacturers, and tobacco interests generally. The resolution asking Congress to extend the weight limit on tobacco cigarettes from three pounds per thousand to six was rejected. The resolution to petition Congress to abolish all internal tax on tobacco was adopted after a hot debate. After a long debate, Mr. Gumbert's proposition to abolish the tax on all manufactured tobacco was lost, and a committee was appointed to go to Washington to urge the retention of the taxation as at present on all manufactured goods. Adjourned.

Now It's the Empress.

LONDON, November 17.—The Empress of Germany is suffering from paralysis of the lower jaw. She has been much affected by the condition of the Crown Prince.

When Your Nerves Get on You.

Invigorate them. When your night's repose is unrefreshing, when your appetite is jaded or capricious, when slight noises cause you to start, and annoyances of slight moment abnormally worry you, know three things, viz.: 1st, That your nerves are weak; 2d, That you need a tonic; 3d, that its name is Hostetter's Stomach Bitters, the promptest, safest, most popular article of its class. The nerves are susceptible of invigoration only by promoting an increase of vigor in the processes of digestion and invigoration. Narcotics and sedatives have their utility, but in the main, and if their use be continued, they are unsafe. A wineglass of the Bitters before retiring, and a repetition of the same during the day before or after meals, is far more likely to confer health-yielding sleep than repeated doses of an opiate. Dyspepsia, debility, inactivity of the kidneys and bladder, fever and ague, and other malarial complaints, are always dominated and subdued by it.

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THE FISHERIES.

Confusion Regarding the Commission's Functions.

RUMORED BIG GOLD FIELD.

A Radical Success—Cincinnati Street Car Strike—Grevy's Successor—Poor O'Brien.

The Fisheries Commission.

WASHINGTON, November 17.—Some confusion exists as to the functions of the Fisheries Commission, which is about to meet here. The present commission comes together with no other power than that of a free conference upon the question which, practically, has been an open one as long as the country has had an existence. Briefly stated, it has been from the beginning a claim of the United States that whatever privileges the treaties with Great Britain recognized to Americans were original rights, and were not in any sense grants or concessions, for which something could be demanded in return. In other words, when the territory once under the control of Great Britain, was divided, the partition related to land alone, and the rights upon the water of common vessels of both nations. This, the Britons have always denied. The treaties and arrangements heretofore have been makeshifts, securing a recognition of our rights in one way or another, but merely for the time being, while postponing the main question indefinitely. The present commission may arrive at an interpretation of the existing treaties, exactly defining the rights of Americans, or finding that impossible, it may agree upon some modification to be recommended to the treaty-making branches of the two governments. In either of which cases the Commission will have accomplished the purpose of its creation. The Commission cannot deal, under its present powers, with the question of a commercial union with Canada, though it is not impossible that the subject may be referred to it by the two governments before its labors are ended.

A Radical Success.

LONDON, November 17.—William Saunders, ex-member of Parliament, arrested last week, was arraigned in court to-day. He was charged with disorderly conduct in speaking at Trafalgar Square and thereby causing a disorderly assemblage. He was also charged with obstructing the police.

The crown counsel admitted the charges were "unstatutory" and requested that they be dismissed. Saunders insisted on a conviction. The magistrate, however, dismissed the charges. The radicals are jubilant, and may possibly revoke the decision not to meet in Trafalgar Square on Sunday.

Rumored Big Gold Field.

SAN FRANCISCO, November 17.—The telegraphed reports from Prescott, Arizona, are uniform in the statement that an apparently wonderful discovery of a gold ledge has been made on the Hassayampa River, ten miles from Prescott. The strike was made on a side hill, 200 feet above the level of the creek. The product of the mine, thus far, is declared to be the richest ever known on the Coast, and naturally evoked great excitement throughout Arizona. The ledge is twenty inches wide, runs north and south, and can be traced for nearly two miles. Quarz rock taken from the ledge is said to average \$100,000 of gold a ton.

Cincinnati Street Car Strike.

CINCINNATI, November 17.—A strike of the Consolidated Street Car Railway conductors and drivers began to-night. The conductors and drivers' committee demand that the Consolidated Street Railway dismiss John Harris, the superintendent. The company answered at 6 o'clock, declining, firmly, to grant the request. By 8 o'clock not one horse car of the Consolidated line was running.

Grevy's Successor.

PARIS, November 17.—An excited discussion is going on with reference to the successor of President Grevy. Ferry, DeFreycinet, Flouquet, Florens, Leon Say and Jules Simon have each his list of supporters, and absolute confusion prevails. The latest nominee of the Moderates is General Saussier, Governor of Paris, who will command the votes of the sections of the Right.

Poor O'Brien.

DUBLIN, November 17.—Visitors to Tullamore Jail declare that O'Brien has greatly changed and that he refuses to take nourishing food.

During an eviction near Dungarvon, to-day, four policemen, several bailiffs and twenty spectators were injured. The members of the evicted family escaped from the house by an underground passage.

A \$30,000 Fire.

CENTRAL CITY, Colo., November 17.—Fire started at the Nevada Mill, west of here, at 2 this morning, and nearly destroyed the business portion of the town. The Central City and Blackhawk fire departments were telegraphed for, but they arrived too late to be of much assistance. About forty buildings were burned. Loss, \$30,000.

Released.

LONDON, November 17.—Covatsch, the man arrested at Greenock because he had dynamite cartridges in his possession, has been released.

SPECIAL NOTICES.

The rates for advertisements in this column are: One time, 5 cents per line. Each subsequent time 25 cents per line. Payable strictly in advance.

Do you want a situation? Have you a house to rent? Do you want a servant? Do you want to let anything? Advertise in this column.

BOARD AND LODGING. AT \$1.00 PER WEEK, IN PLEASANT A locality. Apply 64 E. First North Street.

FIELD THE KNOWER. PRACTICAL DRAUGHTSMAN AND DESIGNER has moved to room 2 in the Hooper & Edgerly Building, Main Street.

WALKED SIXTY MILES. TO SEE THE LARGEST STOCK OF Christmas Candles in the Territory, manufactured and handled by the Deacet Steam Candy Factory, John McDonald & Sons, proprietors, 255 and 258 S. Main Street.

FOR SALE CHEAP. HORSE AND BUGGY FOR SALE CHEAP. Apply to Wash. Young, at C. O. M. I.

WOMEN COOKS, DISHWASHERS AND general servants, for town and country; good wages; at Mrs. McEwan's Employment Office.

TWO OR THREE GOOD BOILER MAKERS. Apply by letter or in person to Hayes & Sons, Salt Lake City.

DOUBLE PRICE WILL BE PAID FOR copies of THE HERALD of the following dates: February 2nd, 1887; February 4th, 1887; March 4th, 1887; March 5th, 1887; April 31st, 1887; May 31st, 1887; June 4th, 1887; July 31st, 1887. Leave at this office. Needed for files.

REAL ESTATE PARTIES